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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,902	11/02/2001	James J. L'Allier	23051.CIPI	8986

7590 07/15/2003  
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P.O. Box 3791  
Orlando, FL 32802-3791

EXAMINER

HARRIS, CHANDA L

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 07/15/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/001,902

Applicant(s)

L'ALLIER ET AL. *CW*

Examiner

Chanda L. Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6,7,11. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

Claim 5 is objected to because of the following informalities: Line 7: There is a word missing between “mapped” and “with”. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear how a second course in the second database can have a prerequisite skill **level less than or equal** to the first course achievable skill level AND further have an achievable skill level **greater than** the first course achievable skill level. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Ho et al. (US 6,126,448).

1. [Claim 1]: Regarding Claim 1, Ho discloses entering into (i.e. retrieving from) a first electronic database (i.e. learning database) a skill level currently possessed (i.e. job position) by a user in at least one skill in a predetermined subject area (i.e. a job); comparing the possessed skill level with a skill level desired to be possessed by the user in at least one skill (e.g. via the learning determinator); determining from the comparing step a skill gap between the possessed skill level and the desired skill level (e.g. via the learning determinator, learning materials applicable to perform the one or more jobs); mapping the skill gap with at least one course (i.e. learning materials) having an entry in a second electronic database (i.e. learning database) to fill the skill gap; and presenting the user with a training regimen (i.e. learning materials) comprising at least one mapped course. See Col.3: 61-Col.4: 13.

2. [Claim 2]: Regarding Claim 2, Ho discloses locating a first course in the second database having a prerequisite skill level less than or equal to the possessed skill level; adding the first course to the training regimen; if the course achievable skill level is less than the desired skill level, locating a second course in the second database having a prerequisite skill level less than or equal to the first course achievable skill level or further having an achievable skill level greater than the first course achievable skill level; and adding; and adding the second course to the training regimen (i.e. the learning materials that one should have acquired to accomplish one or more jobs). See Col.5: 41-44.

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3. [Claim 3]: Regarding Claim 3, Ho discloses a natural language description (i.e. attributes) of the course (e.g. document). See Col.8: 22-24.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho.

[Claims 4-6]: Regarding Claims 4-6, Ho discloses matching words in the natural language descriptions of the mapped course (i.e. attributes) and of the at least one skill in the predetermined subject area (e.g. architect). See Col.8: 20-44.

Ho does not disclose expressly ranking each course having at least one matching word with the description of the at least one skill in the predetermined subject area for probable relevancy; tabulating each word in the natural language description of the mapped course; comparing each word in the natural language description of the mapped course with a list of words that should be skipped; assigning a null weighting value to each word that should be skipped as determined by each words comparing step; assigning a weighting value to each nonskipped word; and the ranking step comprises using each matching word and the weighting value of each matching word to determine a score indicative of the probable relevancy; tabulating each word phrase in

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the natural language description of the mapped course; and tabulating a number of occurrences of each word phrase in the natural language description of the mapped course; and wherein: the word matching step comprises matching word phrases in the natural language descriptions of the mapped course in the second database and of the at least one skill in the predetermined subject area; the weighting value assigning step further comprises assigning a weighting value to each word phrase; and the ranking step further comprises using each matching word phrase and the weighting value of each matching word phrase to supplement the score indicative of the probable relevancy. However, the aforementioned limitations are old and well-known information storage and retrieval techniques used in search engines. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of Ho in order to provide advanced searching and retrieval of documents.

### ***Citation of Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Parmer et al. (US 2003/0049593)
  - computer generated instructional material
- Mortimer et al. (US 6,091,930)
  - customizable interactive textbook
- Stuppy (US 6,146,148)

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-skill gaps

- Richard et al. (US 6,162,060)

-prerequisite test

- Pellegrino et al. (US 6,149,441)

-searching a lesson material database

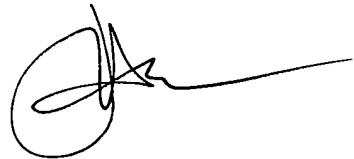
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

*ch.*  
ch.  
July 8, 2003



**JESSICA HARRISON  
PRIMARY EXAMINER**